

REMARKS/ARGUMENTS

To begin, Applicant notes with appreciation the Examiner's willingness to discuss this matter in detail on the telephone on several occasions. However, Applicant was very surprised to receive the instant Office Action, as it was believed that all the remaining issues had been resolved.

The Examiner indicates that "possible claim amendments towards allowance had been discussed between July 14 and July 31, 2009, via both phone and e-mail. Multiple issues with the claim language had been brought up and require further clarification as follows."

It is Applicant's understanding that if these "remaining issues" can be overcome, the issues with the prior art will also be overcome, given that the Examiner has indicated such amendments would be "towards allowance." To this end, this response addresses the specific issues raised by the Examiner in the "Response to Arguments" section. In response to the U.S.C. § 103 rejections, the Examiner is specifically referred to Applicant's previous responses which contain detailed consideration of the prior art rejections.

The prosecution of this application has been very protracted, with Applicant making many concessions along the way which, at the time, appeared to be moving the case to allowance. In an effort to move things forward, Applicant has made a number of amendments to address the Examiner's concerns as indicated on the marked-up version included herewith.

Paragraph (1)

The Examiner questions in paragraph (1) of the detailed action "What are the paragraphs that support 'using said connection-oriented signalling channel to transmit a session initiation request from the push proxy gateway to the mobile station?'"

Applicant appreciates there may be some confusion over the wording of the claim. The SIR is "from the PPG" in the sense that the PPG originates the SIR. However, the connection-oriented signalling channel does not extend to the PPG, but rather is recited as being "between the network and the mobile station." Thus, the claimed language should be parsed as follows:

"using said connection-oriented signalling channel to transmit 'a session initiation request from the push proxy gateway' to the mobile station."

To construe it otherwise would be inconsistent with the claimed “establishing a connection-oriented signalling channel between the network and the mobile station.”

In the interest of expediting prosecution, Applicant has clarified the wording as follows:

“using said connection-oriented signalling channel to transmit a session initiation request received from the push proxy gateway to the mobile station.”

The use of the connection-oriented signalling channel to transmit the SIR is supported throughout the specification. See for example:

paragraph 24, lines 20-24

“in accordance with an embodiment of the invention, rather than transmit an SIR using SMS, the SIR is transmitted using a USSD channel”

paragraph 29:

“Accordingly, the method described provides a USSD bearer for delivering the SIR message to the mobile station 106.”

Paragraph (2)

In paragraph (2), the Examiner questions “what paragraph supports ‘the session initiation request being such that the mobile station activates a bearer for establishing a push session towards the push proxy gateway in response to the session initiation request’?”

To begin, it is noted that this language was present in claim 1 as originally filed, with a minor variation. Specifically, claim 1 as originally filed included:

“said mobile station establishing a push session in response to the initiation request towards the push proxy gateway to permit the push proxy gateway to push information to the mobile station”

The language was fine tuned only so that the claim language was specific to steps executed by the network. Thus, there is no question of the language being supported in the specification as originally filed.

In paragraph 27:

In step 412, the SIR [sic should be SIA] responds [to the SIA received in step 410] by activating an appropriate bearer and contacting the PPG 104.

In paragraph 32:

In step 514, the mobile station receives the USSD Request [note this is the same as the SIR – it is a SIR in the form of a custom USSD message] and responds by activating an appropriate bearer for establishing a PDP context.

In order to remove any doubt, the language of claim 1 as originally filed, has been added to the specification in front of paragraphs 27 and 32 quoted above.

Paragraph (3)

The Examiner takes the position that the meaning of “the connection-oriented signalling channel comprises a channel for transmitting Unstructured Supplementary Service Data (USSD)” is not clear. Specifically, the Examiner states that the claim language does not indicate such a USSD is necessarily used during PUSH establishment. This has been discussed at length with the Examiner during multiple telephone interviews. Applicant, however, respectfully submits that the basic use of antecedent in claims requires this. When an entity is initially referred to with an indefinite article “a,” and an entity of the same name is referred to subsequently with a definite article “the” or “said,” the entities are one and the same! The claim recites:

“...establish a connection-oriented signalling channel...”, (emphasis added).

The last paragraph recites:

“wherein the connection-oriented signalling channel comprises a channel for transmitting Unstructured Supplementary Service Data (USSD).”

The claim recites:

“using said connection-oriented...”

i.e., the one established in the previous step, and the one limited to be a channel for transmitting USSD in the last step. There is no other interpretation. The Examiner continues to argue this is

unclear, but can provide no other interpretation of the claim language. The Examiner suggests that the “session initiation request” may be incorporated into the limitation to clarify the usage. This would not make any difference, as the claim as a whole makes it incontrovertibly clear that the connection-oriented signalling channel is a channel for transmitting USSD, and that it is that channel that is used to transmit the session initiation request.

In the interest of expediting prosecution, Applicant has amended the last paragraph of the claim to read:

“wherein the connection-oriented signalling channel used to transmit the SIR comprises a channel for transmitting Unstructured Supplementary Service Data (USSD).”

The added language is clearly redundant and does not change the claim scope.

Paragraph (4)

In paragraph (4), the Examiner questions what is a “need” or a “session initiation request” signal. The “session initiation request” is clearly defined in the claim as being something that causes the mobile station to activate a bearer for establishing a push session towards the push proxy gateway in response to the session initiation request.

The term “need” has been discussed in numerous telephone interviews. The Examiner continues to want to equate this with a signal. A “need” is a state of being. I am hungry, so I “need” to eat. This need may or may not have resulted from a preceding signal. For example, the network may receive an SIR from the PPG, thereby establishing the need to push information from the PPG to the mobile station.

The Examiner argues that a “need” and a “session initiation request” must be distinguishably different; otherwise, the reference Over The Air HTTP reads on the limitations. Applicant respectfully disagrees; Applicant’s previous discussion of OTAHTTP has not relied upon such a distinction. The Examiner is referred to previous responses where it has been clearly established that OTAHTTP only makes use of a connection oriented signalling channel if such a channel already exists. The Examiner has not contested this interpretation of OTAHTTP.

In the interest of expediting prosecution Applicant has amended the claim to read:

“in response to a [need] request from a push proxy gateway to push information from the [a] push ...”

Conclusion

Applicant submits that all the issues raised by the Examiner have been addressed, and requests favorable consideration and allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David C. Jenkins', with a long horizontal flourish extending to the right.

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